REMARKS

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed December 13, 2005. Claims 1, 3-9, 11-17 and 19-24 stand rejected. In this Amendment, claims 1, 5, 7, 9, 13, 14, 16, 17, 21, 22 and 24 have been amended and claims 4, 12 and 20 have been cancelled. No new matter has been added.

Rejections Under 35 U.S.C. § 112

Claims 1, 3-9, 11-17 and 19-24 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Applicants respectfully submit that claims 1, 9 and 17, as amended, are supported by the present specification. For example, support for these claims can be found in paragraph [0027] of the present specification: "If, at operation 210, it is determined that function space is available to meet the reservation request, then, at operation 215, a reservation for the space is established and a price quote is obtained. Support for certain of the claim amendments can also be found in paragraphs [0046]-[0048].

Applicants point the Examiner to MPEP 2163.02 which provides:

> ...the fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed. See, e.g., Vas-Cath, Inc. v. Mahurkar, 935 F.2d 1555, 1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991). An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. Lockwood v. American Airlines, Inc., 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997)...
>
> The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement...

Applicants respectfully submit that support for all of the limitations is found in the specification, even though certain limitations may not be described *in haec verba*.

Applicants also note that certain limitations included in the 35 U.S.C. § 112, first paragraph rejection are not included in the claims, as amended.

Accordingly, Applicants respectfully request withdrawal of the rejections of the claims under 35 U.S.C. § 112, first paragraph.

Rejections Under 35 U.S.C. § 102(e)

Claims 1, 3-9, 11-17 and 19-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Binghman, et al., (U.S. Patent Application No. 2002/0069094, hereinafter "Bingham").

As discussed above, independent claims 1, 9 and 17 have been amended.

Applicants respectfully submit that the cited art does not disclose, *inter alia*, as claimed in claim 1: "upon determining that the requested function space satisfying the one or more of the plurality of criteria is available, a real-time price quote automatically for the requested function space based upon the set of pricing rules, the pricing rules being based on a weight assigned to each of the one or more of the plurality of criteria." Similar limitations are included in independent claims 9 and 17.

In Bingham, a package is defined based upon criteria received from the user. If the user's criteria can be accommodated, a price is then "generated" based upon the criteria. That is, the user specifies what they want, and if the request can be fulfilled, a reservation is made with a corresponding price based upon the user's input (i.e., only user criteria).

Bingham also discloses a set of "reservation rules." Bingham's examples of such rules include a requirement that a certain number of guestrooms be reserved; and a certain dollar value

of food and beverages be purchased in conjunction with the reservation of a meeting room. That is, in Bingham, if the user does not meet threshold requirements of "reservation rules," a reservation will not be made. That is, in Bingham, these "reservation rules" are used only to determine availability. The price, in Bingham, is defined before availability is determined (i.e., the price is predetermined).

In contrast, claim 1 uses pricing rules (which may include the amount of food ordered and the number of guest rooms rented), in conjunction with the user provided criterion, to determine a price for the requested function space. Thus, in Claim 1, the availability is first determined, and the price is subsequently determined using the price rules and the user criteria.

Thus, in one embodiment, based on the user criteria (e.g., the number of people in attendance), the availability is determined. Then, if the user criteria indicate that people using the function space will be drinking alcohol, a first, lower price is given. This first, lower price may vary depending on the number of people attending. However, if the user criteria indicate that people using the function space will not be drinking alcohol, a second, high price is given.

As discussed above, Bingham teaches away from the presently claimed inventions because, in Bingham, supplementary sales are used to determine availability only. That is, the pricing rules in Bingham do not pertain to supplementary sales.

In fact, the Examiner cites Bingham [0038] as teaching a meeting facility employee may adjust room pricing values and cites Figure 11 as showing "reserve rooms for more than 7 nights and get 10% off). The Examiner also cites Bingham [0033] as teaching a price for the defined meeting package is generated based upon the retrieved customer profile.

This, however, is in contrast to the presently claimed invention. In the presently claimed invention, pricing rules in the digital processing system are able to determine the price based on all of the criteria entered by the user, including supplementary sales. In Bingham, the price is

determined, not on each of the criteria entered by the user, but only the specific type of customer (i.e., government or corporate) and the room requested. In Figure 11, Bingham discloses that the meeting room rate is a strict rate and the guest room rate is a specific rate, but that the cost of the room may be reduced if rooms are reserved for additional nights. Thus, the cost of the meeting room is not influenced by any of the entered criteria and is not weighted. In addition, in Bingham, the price is not determined automatically, as a meeting facility employee adjusts the room pricing values and availability information. Thus, the price in Bingham is also not a real-time price quote

For these reasons applicants respectfully submit that claim 1 is patentable over the cited art. Given that claims 3, 5-8, 11, 13-16, 19 and 21-24 depend, directly or indirectly, from claims 1, 9 and 17, respectively, applicants respectfully submit that claims 3, 5-8, 11, 13-16, 19 and 21-24 are likewise, patentable over the cited art.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Applicant respectfully submits that the present application is in condition for allowance. If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Jennifer Hayes at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: <u>March 14, 2006</u>

Jennifer Hayes
Reg. No. 50,845

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300